

ASSEMBLY BILL

No. 1730

Introduced by Assembly Members La Malfa and Matthews

February 22, 2005

An act to repeal Sections 12811.5 and 12837 of the Food and Agricultural Code, relating to pesticide.

LEGISLATIVE COUNSEL'S DIGEST

AB 1730, as introduced, La Malfa. Pesticide registration.

Existing law requires every manufacturer of, importer of, or dealer in any pesticide to obtain a certificate of registration from the Department of Pesticide Regulation before the pesticide is offered for sale. Existing law provides that data previously submitted to the Director of Pesticide Regulation or to the Administrator of the United States Environmental Protection Agency to support an application for the registration of a pesticide shall not be used without permission to support an application by another person. Existing law also provides that the director may waive the submission or review, or both of efficacy data developed by a registrant as a prerequisite for registration, as specified.

This bill would repeal provisions relating to department use of previously submitted data and the ability of the director to waive the submission of efficacy data.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 12811.5 of the Food and Agricultural
- 2 Code is repealed.

~~12811.5. Except as provided in Section 13128, data, other than public literature, previously submitted to the director or the Administrator of the United States Environmental Protection Agency to support an application for the original registration of a pesticide, or to support an application for an amendment adding any new use to that registration and that pertains solely to that new use, shall not, without the written permission of the original data submitter, or its assigns or successors in interest, be considered by the director to support an application by another person.~~

SEC. 2. Section 12837 of the Food and Agricultural Code is repealed.

~~12837. (a) The director may waive the submission or review, or both, of efficacy data developed by a registrant as a prerequisite for registration for any antimicrobial pesticide product if all of the following conditions have been met with respect to each antimicrobial pesticide product:~~

~~(1) The director finds that the United States Environmental Protection Agency's guidelines, protocols, and standards of review in existence at the time the product was reviewed by the United States Environmental Protection Agency are consistent with, and no less stringent than, California guidelines, protocols, and standards and generally accepted scientific practices.~~

~~(2) The director finds that, with respect to the particular antimicrobial pesticide product reviewed under this section, the United States Environmental Protection Agency actually implemented the guidelines, protocols, and standards of review for which the director made the required finding pursuant to paragraph (1). In making this finding, the director may request any relevant studies or documentation from the registrant.~~

~~(b) Nothing in this section shall be construed as a limitation on the director to request or to review any efficacy data or studies or to subject any product to testing, at any time.~~